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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,264	09/30/2005	Eric Francis Morand	BDW003	1609
20786	7590	01/05/2010		
KING & SPALDING				
1180 PEACHTREE STREET, NE				
ATLANTA, GA 30309-3521				
EXAMINER				
CHUNG, SUSANNAH LEE				
ART UNIT		PAPER NUMBER		
1626				
MAIL DATE		DELIVERY MODE		
01/05/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/517,264

Examiner

SUSANNAH CHUNG

Applicant(s)

MORAND ET AL.

Art Unit

1626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 11 December 2009 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Claims 1-2, 18-19, 23, 26-29 and 41-43 are pending. Claims 3-17, 20-22, 24-25 and 30-40 are canceled. Claims 1-2, 18-19, 23, 26-29 and 41-43 are rejected under the doctrine of double patenting over PG PUB number 2009/0130165 or US Pat app number 12/158,563. A timely filed terminal disclaimer will overcome this rejection. Claim 19 is rejected because the term "diagnosing" is not enabled.

/Golam M. M. Shameem/
Primary Examiner, Art Unit 1626